

AN ORDINANCE amended a Restrictive Covenant
on Bill No. Z-80-02-08; Ordinance No. Z-20-80.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort
Wayne, Indiana, on July 8, 1980 duly adopted Ordinance No. Z-20-80 which
rezoned the following described real estate from RB to an M-1 District,
in Fort Wayne, Indiana, to-wit:

Part of Lot #1 together with part of Lot #8 in
Archange Godfrey's Subdivision of Richardville Re-
serve situated on the West side of the St. Mary's
River in Township 30 North, Range 12 East, Allen
County, Indiana, as recorded in Deed Record 52,
pages 54-55 in the Office of the Recorder of Allen
County, Indiana, all being more particularly de-
scribed as follows:

Beginning at the North corner of said Lot #8;
thence N 33°-50' W, on and along the Southwesterly
line of said Lot #1, a distance of 311.2 feet to
the centerline of the Fairfield Ditch; thence
Northeasterly, on and along said Ditch centerline
on the following courses and distances;
N 60°-45' E, a distance of 70.4 feet;
thence N 67°-33' E, a distance of 100.1 feet;
thence N 83°-52' E, a distance of 103.1 feet;
thence N 70°-36' E, a distance of 89.5 feet;
thence N 49°-09' E, a distance of 90.0 feet;
thence N 38°-23' E, a distance of 100.4 feet;
thence N 40°-06' E, a distance of 100.2 feet;
thence N 45°-37' E, a distance of 131.0 feet to the
Westerly right-of-way line of Bluffton Road (for-
merly State Road #1); thence Southeasterly, on and
along said Westerly right-of-way line, being a
regular curve to the left having a radius of 7211.98
feet and being situated 50.0 feet (measured radially)
Westerly of and concentric to the centerline of said
Bluffton Road, a distance of 155.5 feet (the chord
of which bears S 08°-27' E for a length of 155.5
feet) to the point of tangency; thence S 09°-04' E,
continuing along said Westerly right-of-way line,
being 50.0 feet (measured at right angles) Westerly
of and parallel to the centerline of said Bluffton
Road, a distance of 1145.5 feet; thence S 88°-03' W,
a distance of 965.4 feet to the Northwesterly line
of said Lot #8; thence N 25°-30' E, on and along
said Northwesterly line, a distance of 709.2 feet to
the point of beginning, containing 17.204 acres of
land, more or less; and

1 Page two

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3 SECTION 2. The rezoning was granted in consideration of
4 and in reliance on a certain Restrictive Covenant, which was duly recorded
5 and the intent of which was to restrict the use of said property to only
6 B-4 uses or use as a mini-warehouse; and,

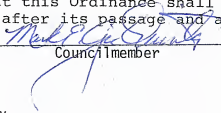
7 SECTION 3. It is desired to clarify the definition and uses
8 mini-warehouses as set forth in paragraph 1 of that Restrictive Covenant
9 by adding a new paragraph 1 as set forth in the "Amendment to Restrictive
10 Covenant" attached hereto.

11 NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

12 1. The Restrictive Covenant that was attached to Ordinance
13 No. Z-20-80 is modified by deleting paragraph 1 of that document. It is
14 authorized to add new paragraph 1 as contained in the Amendment to
15 Restrictive Covenant attached hereto, which shall be recorded.

16 2. In all other ways Bill No. Z-80-02-08; Ordinance No. Z-20-80
17 and the Restrictive Covenant shall remain unchanged.

18 SECTION 4. That this Ordinance shall be in full
19 force and effect from and after its passage and approval by the
20 Mayor.


Councilmember

21
22 APPROVED AS TO FORM AND LEGALITY
23 THIS 25th DAY OF AUGUST 1981.

24 
25 George Martin, Associate City Attorney
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Read the first time in full and on motion by Via Junta, seconded by Baskin, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATE: 8-25-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Via Junta, seconded by D. Schmidt, and duly adopted, placed on its passage. PASSED (POST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>X</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 8-8-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-204-81 on the 8th day of September, 19 81.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Guckols
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of September, 19 81, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of Sept. 19 81, at the hour of 10:30 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-08-34

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON Regulations TO WHOM WAS REFERRED AN
ORDINANCE AN ORDINANCE amended a Restrictive Covenant on
Bill No. Z-80-02-08; Ordinance No. Z-20-80

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

DONALD J. SCHMIDT

Mark E. Giaquinta
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
Donald J. Schmidt

9-8-81
CONCURRED IN
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

AMENDMENT TO RESTRICTIVE COVENANT

WHEREAS, the undersigned, Donald G. Rice executed a document entitled "RESTRICTIVE COVENANT" on April 17, 1980, and such document was recorded in the office of the Allen County Recorder on April 28, 1980, as Document No. 80-9101; and

WHEREAS, William W. Wright and Eileen Lucille Wright also executed the aforesaid document on April 22, 1980; and

WHEREAS, the RESTRICTIVE COVENANT affected the following described real estate in Allen County, Indiana, to wit:

Part of Lot #1 together with part of Lot #8 in Archange Godfrey's Subdivision of Richardville Reserve situated on the West side of the St. Mary's River in Township 30 North, Range 12 East, Allen County, Indiana, as recorded in Deed Record 52, pages 54-55 in the Office of the Recorder of Allen County, Indiana, all being more particularly described as follows:

Beginning at the North corner of said Lot #8; thence N 33°-50' W. on and along the Southwesterly line of said Lot #1, a distance of 311.2 feet to the centerline of the Fairfield Ditch; thence Northeasterly, on and along said Ditch centerline on the following courses and distances;
N 60°-45' E, a distance of 70.4 feet;
thence N 67°-33' E, a distance of 100.1 feet;
thence N 83°-52' E, a distance of 103.1 feet;
thence N 70°-36' E, a distance of 89.5 feet;
thence N 49°-09' E, a distance of 90.0 feet;
thence N 38°-23' E, a distance of 100.4 feet;
thence N 40°-06' E, a distance of 100.2 feet;
thence N 45°-37' E, a distance of 131.0 feet to the Westerly right-of-way line of Bluffton Road (formerly State Road #1); thence Southeasterly, on and along said Westerly right-of-way line, being a regular curve to the left having a radius of 7211.98 feet and being situated 50.0 feet (measured radially) Westerly of and concentric to the centerline of said Bluffton Road, a distance of 155.5 feet (the chord of which bears S 08°-27' E for a length of 155.5 feet) to the point of tangency; thence S 09°-04' E, continuing along said Westerly right-of-way line, being 50.0 feet (measured at right angles) Westerly of and parallel to the centerline of said Bluffton Road, a distance of 1145.5 feet; thence S 88°-03' W, a distance of 965.4 feet to the Northwesterly line of said Lot #8; thence N 25°-30' E, on and along said Northwesterly line, a distance of 709.2 feet to the point of beginning, containing 17.204 acres of land, more or less; and

WHEREAS, the parties to the RESTRICTIVE COVENANT, the current titleholders, and the City of Fort Wayne, desire to amend the RESTRICTIVE COVENANT; and

WHEREAS, the Common Council of the City of Fort Wayne has by special ordinance approved this AMENDMENT TO RESTRICTIVE COVENANT and authorized the Mayor and Clerk of the City of Fort Wayne to execute this AMENDMENT TO RESTRICTIVE COVENANT; and

WHEREAS, the Planning Commission of the City of Fort Wayne, after notice of public hearing, has also approved this AMENDMENT TO RESTRICTIVE COVENANT;

NOW, THEREFORE, the City of Fort Wayne and the current titleholders to the above described real estate hereby agree that the paragraph demoninated as "1." in the RESTRICTIVE COVENANT be hereby deleted and the following be substituted in its place:


- "1. That the uses to which said real estate may be put will include only those uses permitted in a B4 Zoning District pursuant to the Municipal Code of the City of Fort Wayne, as the same now exists or may be hereafter amended, except that said real estate may also be used for mini-warehouses, defined as follows: a self-storage facility designed for the purpose of renting or leasing individual storage space whereby the tenant has direct access to the storage space and bills of lading and other documents of title are not issued to the tenant."

IN WITNESS WHEREOF, Donald G. Rice, William W. Wright, Eileen Lucille Wright and the City of Fort Wayne have executed this AMENDMENT TO RESTRICTIVE COVENANT this ____ day of _____, 1981.

CITY OF FORT WAYNE

By _____
Mayor

Donald G. Rice

ATTEST: 
Clerk,
City of Fort Wayne

William W. Wright

Eileen Lucille Wright

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public, in and for said County and State, this ____ day of _____, 1981, personally appeared Donald G. Rice, of legal age, and acknowledged the execution of the above and foregoing AMENDMENT TO RESTRICTIVE COVENANT as his voluntary act and deed this ____ day of _____, 1981.

Notary Public

My Commission Expires:

My County of Residence is:

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public, in and for said County and State, this ____ day of _____, 1981, personally appeared William W. Wright and Eileen Lucille Wright, husband

and wife, of legal age, and acknowledged the execution of the above and foregoing AMENDMENT TO RESTRICTIVE COVENANT as their voluntary act and deed this ____ day of _____, 1981.

My Commission Expires: _____

Notary Public

My County of Residence is: _____

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public, in and for said County and State, this ____ day of _____, 1981, personally appeared _____ and _____, Mayor and Clerk, respectively, of the City of Fort Wayne, and acknowledged the execution of the above and foregoing AMENDMENT TO RESTRICTIVE COVENANT as their voluntary act and deed this ____ day of _____, 1981.

My Commission Expires: _____

Notary Public

My County of Residence is: _____



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

25 August 1981

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

At the July 27, 1981 Business Meeting of the City Plan Commission a "DO PASS" recommendation was given to the "Amendment to the Restrictive Covenant" for Bill No. Z-80-02-08/Ordinance No. Z-20-80.

Respectfully submitted,

CITY PLAN COMMISSION

Dennis J. Grotzian
Secretary

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance D-81-08-34DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Special Ordinance amending the Restrictive Covenant
placed on Bill No. Z-80-02-08.EFFECT OF PASSAGE Ordinance will amend present Restrictive Covenant placed
on Bill No. Z-80-02-08.EFFECT OF NON-PASSAGE Restrictive Covenant will remain the same on Bill No.
Z-80-02-08.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____